

Disparate Punishment of Minority Youth in Oregon Schools

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(Addendum)

INTRODUCTION AND EXTERNSHIP INFORMATION

- 2L at Willamette University College of Law
- Three entities
 - Governor's office
 - Oregon Commission on Black Affairs
 - Oregon Department of Education
Disproportionate Discipline Committee
- "Office space"
 - Governor's Office of Diversity and Inclusion in the Public Service Building on Capitol Mall
 - Worked from other locations, as needed

Externship Information

- Interviews
(additional contacts)
- Attend School Discipline meetings
- Final Product
 - Monograph/white paper with two components
- PowerPoint presentation (several)

Purpose

- Review of current rules and regulations on student discipline.
- Examine the relationship between student discipline, dropout rates, and subsequent involvement with the juvenile justice system.
- Provide recommendations based on the findings

Zero Tolerance

- Oregon participates in “zero tolerance”
 - Automatic punishment for infractions: eliminating undesirable conduct
- These policies are usually promoted as preventing drug abuse and violence (weapons) in schools.

Zero Tolerance

- Why is this a concern?
 - Pre-determined punishment is unfair.
- Important considerations:
 - (1) Individual situation
 - (2) Extenuating circumstances
 - (3) History
- Example
 - “Toy-style cap gun” and other “guns”
 - “Knife” possession
 - The “watch”

Zero Tolerance

- No proof reduces violence or drug abuse.
- Unintended negative consequences
- “Facially neutral” – FALSE!
- Unrelated to violence/drugs!

Disproportionate Punishment

- Occurs when minority students (i.e. African American and Latino) experience harsher punishments by schools for infractions and misbehaviors

Disproportionate Punishment in Oregon

- 2011-12 school year
 - 43,000 (8%) of Oregon students subject to formal disciplinary action
 - 70% low income families
 - 60% from disruptive behavior
 - 60% out of school suspensions, 4% expulsions
 - 95% >10 days; 55% >1
- Population v. Discipline
 - 16% (of 14,000) Black/African students
 - 11% (of 10,000) American Indian/Alaska Native
 - 9% (of 118,000) Hispanic/Latino
 - 9% (of 4,000) Pacific Islander
 - 8% (26,000) Multiracial
 - 7% (of 366,000) Whites
 - 2% (of 22,000) Asian

Suspension Rates

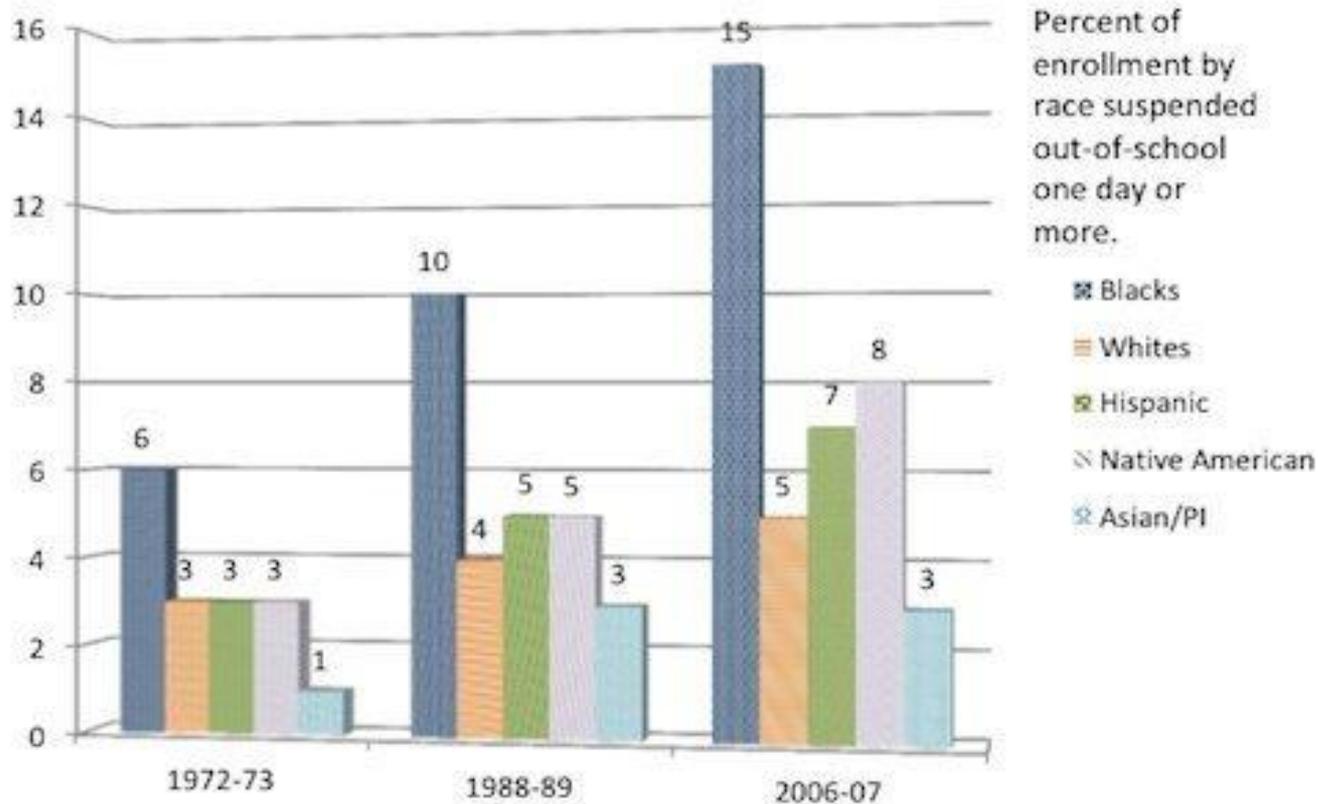


Figure 1. Racial Impact of the Rising Use of Suspension²⁹

Why is this a concern?

- Loss of education opportunities
- Academic decline and failure
- Increased likelihood of dropping out
- Increased likelihood of being sent to the juvenile justice system
 - “School to Prison Pipeline System”

School to Prison Pipeline System

- Definition
- Original Developments
- Meaning today
 - Who is most vulnerable

School to Prison Pipeline System Relationship to Zero Tolerance

- Zero tolerance first step in a child's journey through the pipeline.
 - "One-size-fits-all solution" that "redefines students as criminals."
- National Education Policy Center
 - Non-violent offenses
 - Dress code violations,
 - Cell phone use,
 - Attendance/truancy, and Insubordination.

Why are there so many discrepancies?

- Social and cultural factors
 - “Darker Skin theory”
 - Stereotyping or misperception of communication style
- Zero tolerance policy (OR); leads to overly harsh punishments
- Institutional racism; structures are overtly/covertly against minorities

Recommendations

- Cultural training
- Ending Zero tolerance policies
- Positive Behavior Interventions and Supports (PBIS)
- Reaching out to families
- Practices that help students stay in the classroom

Recommendations

- Continue to track suspension rates
- “Multi racial” or “bi racial”
- End “Subjective” profiling

New Developments

- ABA involvement with the School to Prison Pipeline System
 - 2014 ABA Midyear Meeting in Chicago. American Bar Association town hall forum, “The School-to-Prison Pipeline: What are the Problems? What are the Solutions?”
 - http://www.americanbar.org/news/abanews/aba-news-archives/2014/02/lawyers_communitya.html
- School Climate and Discipline Resources
 - <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>
 - Several white papers available/need to review for new material to include as addendum